

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LUCIO CELLI,	:	
	:	24-CV-9743 (JPC) (RWL)
Plaintiff,	:	
	:	
- against -	:	ORDER
	:	
NEW YORK CITY, ET AL.,	:	
	:	
Defendants.	:	
	:	
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ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order addresses three subjects.

1. The Court has repeatedly warned Plaintiff that he may face sanctions, including dismissal of his case, for sending vexatious emails to judges of this court and court staff. See, e.g., Dkt. 23, 33, 64. Plaintiff has continued to defy those orders and warnings. Since the most recent order and warning on February 28, 2025, Plaintiff has sent 91 such emails (filled with rants and many with profanity). In total, he has sent 147 such emails since February 6, 2025, many to an email list of over 400 addressees. The Court again directs Plaintiff to communicate with the Court solely through the Pro Se Office and to cease sending emails to any other Court staff, Court chambers, and any party, or employee, officer, or director of any party, to this case. **If Plaintiff fails to comply, the Court will issue an order to show cause why the case should not be dismissed for repeated failures to comply with court orders.**

2. Defendant UFT filed its motion to dismiss as scheduled on April 14, 2025. (See Dkt. 82.) Plaintiff is reminded that his opposition is due **by May 14, 2025.**

3. On February 23, 2025, Plaintiff filed three motions. The first (Dkt. 51), essentially asks the Court to exercise jurisdiction over Plaintiff's claims concerning his criminal conviction in a previous legal proceeding. As other courts have held, his civil claims are not the proper forum in which to challenge his conviction (which, in any event, was affirmed on appeal). See, e.g., *Celli v. Engelmayer*, No. 22-CV-4646, 2023 WL 2666876, at *1 (E.D.N.Y. Mar. 28, 2023); *Celli v. Perez*, No. 22-CV-2353, 2022 WL 922779, at *1 (S.D.N.Y. Mar. 29, 2022). Accordingly, the motion is DENIED. The second, a "motion for the Court to intervene on the fact Defendants' (the City & the UFT) wrongful denial of prescription coverage," addresses subject matter and relief already encompassed within Plaintiff's claims (Dkt. 52). Accordingly, the motion is DENIED. The third (Dkt. 53), a motion for mandamus relief directed at matters and persons concerning his criminal conviction, is DENIED for the same reasons as the first motion.

The Clerk of Court is respectfully directed to terminate the motions at Dkt. 51, 52, and 53.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: April 15, 2025
New York, New York

Copies transmitted this date to all counsel of record. The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.